

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

JOHN B. ADRAIN,

§

Plaintiff,

§

Case No. 2:10-cv-173

vs.

§

JURY TRIAL DEMANDED

VIGILANT VIDEO, INC. and THE CITY OF
PORT ARTHUR, TEXAS,

§
§
§
§

Defendants.

§

DOCKET CONTROL ORDER

In accordance with the case status conference held herein on the 16th day of February, 2011, it is hereby

ORDERED that the following schedule of deadlines is in effect until further order of this court:

6/03/2013 Jury Selection - 9:00 a.m. in **Marshall, Texas**

5/20/2013 Pretrial Conference – 9:30 a.m. in **Marshall, Texas**

5/03/2013 Parties are to serve objections to pre-trial disclosures, in accordance with ¶ 6 of the Discovery Order

5/13/2013 Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict.

5/13/2013 **Motions in Limine Due**

The parties are ordered to **meet and confer** on their respective motions *in limine* and **advise the court of any agreements in this regard by 3:00 p.m. three business days before** the pretrial conference. The parties shall limit their motions *in limine* to those issues which, if improperly

introduced into the trial of the case would be so prejudicial that the court could not alleviate the prejudice with appropriate instruction(s).

5/13/2013

Notice of Request for daily Transcript or Real Time Reporting of Court Proceedings. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Susan Simmons, at lsimmons@yahoo.com

4/30/2013

Response to Dispositive Motions (including *Daubert* motions)¹
Responses to dispositive motions filed prior to the dispositive motion deadline, include *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV56.

4/3/2013

For filing Dispositive Motions and any other motions that may require a hearing (including *Daubert* motions)

3/22/2013

Defendant to Identify Trial Witnesses

3/15/2013

Plaintiff to Identify Trial Witnesses

1/31/2013

Discovery Deadline

30 Days after claim construction ruling
Designate Rebuttal Expert Witnesses other than claims construction
Expert witness report due
Refer to Discovery Order for required information.

¹ The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has **12 days, in addition to any added time permitted under FED. R. CIV. P. 6(e)**, in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

15 Days after claim construction ruling
Comply with P.R. 3-7.

15 Days after claim construction ruling
Party with the burden of proof to designate Expert Witnesses other than
claim construction
Expert witness report due
Refer to Discovery Order for required information.

4/11/2012 Claim construction hearing at 9:00 a.m., **Marshall, Texas.**

3/30/2012 Joint Claim Construction Chart P.R. 4-5(d)

3/01/2012 Mediation to be completed

2/21/2012 Comply with P.R. 4-5(c).

2/14/2012 Comply with P.R. 4-5(b).

1/30/2012 Comply with P.R. 4-5(a).

1/15/2012 Discovery deadline-claims construction issues.

1/10/2012 Respond to Amended Pleadings

12/15/2011 Amend Pleadings / Add Parties
(It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings except to the extent the amendment seeks to add a new patent in suit. It is necessary to file a Motion for Leave to Amend after the amended pleadings date set forth herein.)

11/30/2011 Comply with P.R. 4-3.

11/10/2011 Comply with P.R. 4-2.

10/20/2011 Comply with P.R. 4-1.

9/30/2011 Privilege Logs to be exchanged by parties

(**10/15/2011** a letter to the Court stating that there are no disputes as to claims of privileged documents).

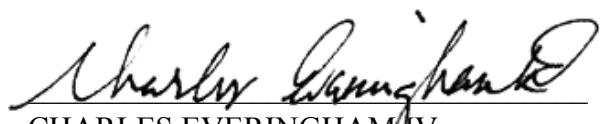
7/18/2011 Comply with P.R. 3-3 and 3-4

6/03/2011 Comply with P.R. 3-1 and 3-2

OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
 - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
 - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
 - (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

SIGNED this 3rd day of March, 2011.



CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE